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EXPRESS ABANDONMENT UNDER 37 CFR 1.138		Docket Number (Optional) 5100-000032/US/CPA
To: Mail Stop PGPUB-ABD Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313-1450	In re Application of Jozef Frans NELISSEN	
	Application Number 11/902,264	Filed September 20, 2007
	For DEVICE FOR TREATING NIGHTTIME BREATHING PROBLEMS	
	Group Art Unit 3772	Examiner O.A. Hawthorne

O P A P
 FEB 05 2010
 PATENT & TRADEMARK OFFICE

Please check only one of boxes 1-3 below:
(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above -identified application be expressly abandoned as of the filing date accorded the continuing application filed herewith.
3. ☐ **Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)**
I hereby petition to expressly abandon the above-identified application to avoid publication.

NOTE: The application will be published in regular course unless the petition is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

Petition Fee – must be filed with petition to avoid delays in recognizing the petition.


- a. ☐ The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to Deposit Account No. _____.
- b. ☐ Check in the amount of \$_____ is enclosed. (Form PTO/SB/96).
- c. ☐ Payment by credit card (Form PTO-2038 is enclosed).

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568 or Mail the petition to the above address directed to **Box PGPUB-ABD**.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes the paper. See MPEP 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication.

I am the

- ☐ applicant.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71
Statement under 37CFR 3.73(b) is enclosed.
- ☒ attorney or agent of record.
- ☐ attorney or agent acting under 37 CFR 1.34(a) (may act only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a). _____
(Attorney or agent registration number)



 Signature
 Donald J. Daley, Reg. No. 34,313

 Typed or printed name

February 5 2010

 Date

Note: Signatures of all the inventors or assignees of record of the entire interest or their representatives(s) are required. Submit multiple forms if more than one signature is required, See below.

*☐ Total of _____ forms are submitted.

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